THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOs.885 & 20823 OF 2005

Dated 23rd September 2005

Between:

B.Gangadhar Goud S/o.late Potha Goud.

…Petitioner

And

APSRTC, rep. by its Chairman & Managing Director,

Musheerabad, Hyderabad & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOs.885 & 20823 OF 2005

COMMON ORDER:

The petitioner was employed as a driver in the APSRTC. On being found that he is not medically fit to be continued in the post, he was retired on medical grounds, with effect from 21.10.2003. He filed W.P.No.885 of 2005, with a prayer to consider his case for alternative employment, or for extension of the benefit under the Notification dated 8.10.2003. An interim direction was issued in W.P.M.P.No.1145 of 2005, directing the respondents to consider the representation of the petitioner. In response to the same, the second respondent passed an order, dated 7.7.2005, stating that the petitioner cannot be extended the benefit of alternative employment, and that he can avail the other benefits. W.P.No.20823 of 2005 is filed, challenging the same.

Sri Narasimha Goud, learned counsel for the petitioner, submits that the

petitioner was denied the alternative employment, as well as monetary benefit. He contends that the benefit provided for under Notification, dated 8.10.2003, was not extended to him, on the ground that the Government has not accorded its approval for it. He contends that even if the same is true, the respondents are under obligation to extend the benefit under the circular dated 26.8.2005, which was issued subsequent to the impugned order.

Learned Standing Counsel for the respondents, on the other hand, submits that the petitioner was found ineligible for alternative employment, as well as for the extension of benefit under Notification dated 8.10.2003. So far as the benefit under circular dated 26.8.2005 is concerned, it is represented that the petitioner has not yet made claim under it, and that the respondents would certainly consider it, in its letter and spirit.

As the facts stand now, the petitioner cannot be extended the benefit of alternative employment. He was not entitled to the benefit under the notification, dated 8.10.2003, on the ground that the scheme framed thereunder was not approved by the Government. The matter, however, does not stop there. The respondents issued a circular, dated 26.8.2005, which is comprehensive enough, and it takes into account the cases of those who have retired, on being found medically unfit. Paragraph-8 thereof, deals with such situations. The occasion for the respondents, to consider the case of the petitioner, in this context, did not arise, on account of the fact that it was a recent development, and the petitioner himself did not make any claim under it.

For the foregoing reasons, both the writ petitions are disposed of, permitting the petitioner to make a representation/claim, in terms of the circular dated 26.8.2005, along with a copy of this order, and on receipt of the same, the respondents shall pass appropriate orders, within six weeks thereafter. There shall be no order as to costs.

23rd September 2005

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